THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24645 OF 1996

DATED: 05-02-2007

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Between :

Pittala Peddulu and another ...
Petitioners

And

The Spl. Dy. Collector (L.A. Unit),
Warangal and another. ..
Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24645 OF 1996

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ORDER :

This writ petition is filed seeking a declaration that the action of the 1st respondent – Special Deputy Collector (Land Acquisition), Warangal in not fixing compensation for the lands situated in Sy.No.173/1A of Kailapoor Village, Chityal Mandal, Warangal District which were acquired under the Land Acquisition as arbitrary and illegal.

It is pleaded by the petitioners that they are small farmers possessing small extents of land situated in Sy.No.173/1A of Kailapoor village. The 1st respondent issued a Notification dated 14-7-1994 under Section 4 (1) of the Land Acquisition Act, 1894 for acquisition of various extents of lands in Kailapoor Village and other adjacent villages including the petitioners' land for the purpose of excavation of Kakatiya Canal. It was followed by a declaration made under Section 6 of the Land Acquisition Act, 1894 dated 15-7-1994. After that, an Award was passed on 10-5-1995 by the 1st respondent fixing the compensation at the rate of Rs.30,000/- per acre. It is alleged that though the petitioners had attended the award enquiry and submitted their claim statement, the 1st respondent did not consider their claim and he did not award any compensation in respect of the lands situated in

Sy.No.173 on the ground that the same was hit by The Andhra Pradesh Land Reforms (Ceiling on Agricultural) Holdings Act, 1973. Aggrieved by the same, this writ petition is filed contending inter alia that the action of the respondents is arbitrary and illegal since the land belonging to the petitioners to an extent of Ac.1-19 ½ guntas does not form part of surplus land allegedly determined under the Andhra Pradesh Land Reforms (Ceiling on Agricultural) Holdings Act, 1973. In support of their plea, the petitioners have relied upon a Certificate dated 19-12-1995 issued by the Mandal Revenue Officer, Chityal Mandal.

A counter-affidavit has been filed by the Special Deputy Collector, Sreeramsagar Project stating that out of the total area of Ac.9-75 cents in Sy.No.173 of Kailapoor village, an extent of Ac.4-85 cents was declared as surplus land by a declaration made by one M. Chandra Reddy. Accordingly, he had surrendered Ac.3-58 cents in Sy.No.173. It is contended that the land held by the petitioners forms part of the said surplus land and as such no award was passed in respect of the said land. The plea of the petitioners that they made applications in the award enquiry held on 10-2-1995 and 14-2-1995 has been denied and it is stated that since the land of the petitioners was surrendered by surplus land-holder from whom the petitioners said to have purchased, no compensation was fixed in respect of the same.

I have heard the learned Counsel for both the parties and perused the material on record.

A copy of the award dated 10-5-1995 placed before this Court shows that it is a fact that the land in Sy.No.173 of Kailapoor Village was acquired under the

Notification published under Section 4 (1) of the Act. The names of the writ petitioners herein were shown as occupants of Ac.1-19 ½ guntas situated in Sy.No.173.

However, the specific case of the respondents is that the said Ac.1-19 ½ guntas forms part of surplus land already surrendered under the provisions of the Andhra Pradesh Land Reforms (Ceiling of Agricultural Holdings) Act, 1973. If that be so, the action of the 1st respondent in not awarding any compensation cannot be found fault with. Though the petitioners contended that their land is different as reflected from the Certificate issued by the Mandal Revenue Officer, Chityala dated 19-12-1995, the correctness of such rival claims cannot be enquired into and decided by this Court. It is also relevant to note that the Certificate dated 19-12-1995 was issued much after the award was passed by the 1st respondent.

In the circumstances, though a Mandamus as prayed for cannot be granted, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to enquire into the claim of the petitioners on the basis of the Certificate dated 19-12-1995 and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of 3 months from the date of receipt of this order. No costs.

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G. ROHINI, J.

Dt. 05-2-2007
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